

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VICTOR J. NG, et al.,  
Plaintiffs,

v.

BERKELEY LIGHTS, INC., et al.,  
Defendants.

Case No. [21-cv-09497-HSG](#)

**ORDER DENYING MOTION FOR  
LEAVE TO FILE A MOTION FOR  
RECONSIDERATION**

Re: Dkt. No. 86

Connectra Technologies, Inc., Sookham Singh, and Taiki Yamaguchi (“BLI Investors”) move the Court for leave to file a motion for reconsideration of the Court’s order appointing Michael Damelio as Lead Plaintiff. *See* Dkt. No. 81. Civil Local Rule 7-9(b)(3) allows a party to seek reconsideration of an order if the court manifestly failed to consider material facts or dispositive legal arguments. BLI Investors contend that the Court did so when it appointed Mr. Damelio and denied their competing motion. *See id.* at 4–10.


Specifically, BLI Investors urge that the Court failed to consider whether Mr. Damelio had made a *prima facie* showing of typicality and adequacy under Federal Rule of Civil Procedure 23. *Id.* The BLI Investors repeat their prior arguments that Mr. Damelio made “a false statement” in his Private Securities Litigation Reform Act certification, and that he consequently could not make a meaningful *prima facie* showing under Rule 23. *See id.* at 4–6. They further assert that Mr. Damelio’s certification indicates his willingness “to give his attorneys *carte blanche*.” *See id.* at 1; *see also id.* at 6–7. The Court understands the BLI Investors’ argument and simply disagrees. Mr. Damelio made the required showing, and the Court found this persuasive. *See* Dkt. No. 52 at 3–4; Dkt. No. 60 at 6–9. For obvious reasons, the BLI Investors disagree with the Court’s decision, but the Court considered all material facts and legal arguments raised by the parties in

1 appointing Mr. Damelio as Lead Plaintiff. The BLI Investors' motion fails to make the showing  
2 required under Civil L.R. 7-9(b)(3) or otherwise show good cause for reconsideration.

3 Accordingly, the motion is **DENIED**. The existing case schedule remains in effect.

4 **IT IS SO ORDERED.**

5 Dated: 7/14/2022

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7 HAYWOOD S. GILLIAM, JR.  
8 United States District Judge  
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